



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: G.M. Coen & Associates, Inc.

File: B-225554

Date: February 12, 1987

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### DIGEST

Where address in solicitation for receipt of offers was correct for mailing purposes and included a zip code for a post office box, a late bid was properly rejected where the protester failed to inquire as to the proper place for hand-delivery of bids and where Federal Express attempted to deliver the bid to the zip code area of the post office box rather than the geographical location of the contracting activity.

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### DECISION

G.M. Coen & Associates, Inc. (Coen) protests the determination by the Forest Service, Department of Agriculture, that Coen's bid, submitted in response to invitation for bids (IFB) No. R2-87-03 for construction work could not be considered because it was late.

The protest is denied.

The IFB provided that offers would be received until 2:00 p.m. on December 8, 1986. The IFB contained Standard Form (SF) 1442 (4-85), "Solicitation, Offer, and Award (Construction, Alteration, or Repair)," which required that bidders "address [their] offer[s]" to the following address

"Contracting Officer  
U.S. Department of Agriculture  
Forest Service  
11177 W. 8th Ave., P.O. Box 25127  
Lakewood, Colorado 80225"

SF 1442, unlike SF 33 (which is used for soliciting supplies or services), does not contain a separate address block for hand-carried bids. Thus, the above address, with the post office box, was the only address designated by the IFB for receipt of offers.

Coen's bid was admittedly delivered 2-1/2 hours after bid opening by Federal Express, a commercial carrier. The record indicates that delivery of Coen's bid by Federal Express was delayed because the address shown in the IFB was a mailing address only and reflected a zip code for the Forest Service's post office box rather than its geographical location. Coen argues that since it addressed its bid properly to the address shown in the solicitation, its bid should be considered because the "incorrect zip code was the reason for delayed delivery."

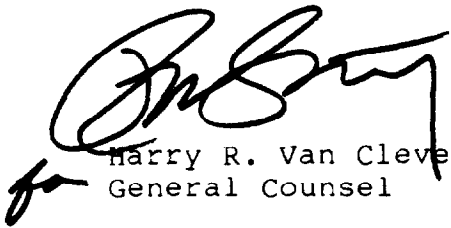
An offer delivered to an agency by Federal Express or other commercial carrier is considered to be hand-carried and, if it arrives late, it can only be considered if it is shown that the paramount cause for the late receipt is some government impropriety. Rodale Electronics Corp., B-221727 Apr. 7, 1986, 86-1 CPD ¶ 342. An offer is late if it does not arrive at the office designated in the solicitation by the time specified. Id. Here, the record does not show that government impropriety was the paramount cause of the late delivery of Coen's bid.

Coen's contention is that the paramount cause of the late arrival of Coen's bid was that the zip code in the Forest Service's solicitation failed to reflect the geographical location of the contracting activity to permit hand-delivery by Federal Express. The record indicates that Coen prepared the shipping documents for Federal Express and that Coen used the correct address reflected in the solicitation. Apparently, because of the post office box zip code, Federal Express was delayed in delivering the bid to the actual geographical location of the contracting activity.

We note that the zip code given in the solicitation was correct for mailing purposes. Further, the presence of a post office box number in the address given in the solicitation should have reasonably alerted offerors that the address given was a mailing address only. We think a reasonable bidder should have called the contracting officer to ascertain the place for hand-delivery before shipping the bid. In a strikingly similar case, where the zip code was adequate for mailing purposes but no zip code was included for the address given for hand-delivery, we held that the paramount cause of the late arrival of the bid was not a government impropriety, since a zip code is not ordinarily required for hand-carried bids. See Rodale Electronics, Corp., supra. Under these circumstances, since the record indicates that late delivery was largely caused by the protester not ascertaining the correct address for hand-delivery, and not by the government, we conclude that the agency properly rejected Coen's bid as late.

Finally, Coen requests a change in policy to permit consideration of late bids shipped by Federal Express 1 day prior to bid opening in the same way that late bids sent by certified mail 5 days before bid opening are currently considered. Coen states that use of Federal Express is a reliable means of delivery and is becoming standard in the industry. Since our Office is not responsible for promulgating substantive revisions to the procurement regulations, we can only refer the protester to the authorities responsible for promulgating the Federal Acquisition Regulation (FAR). See FAR, 48 C.F.R. Part 1 (1986).

The protest is denied.



Harry R. Van Cleve  
General Counsel